

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION COMMISSION

Wednesday, October 20, 2021
1:00 p.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
2nd Floor
www.wcc.ok.gov

AGENDA

CALL TO ORDER.....Chairman Russell

ROLL CALL.....Chairman Russell

The Commissioners will observe and may participate in the Self-insurance Guaranty Fund Board discussion of the following agenda items, but no action will be taken by the Commission:

1. Board roll call and determination of quorum.
2. Workers' Compensation Commission roll call and determination of quorum.
3. Introduction of Commissioner Scott Biggs and other guests.
4. Discussion and approval of Board minutes.
5. Report of Self Insurance by James Lawson.
6. Report of presiding officer, general update and discussion.
7. Legislative update, discussion, and possible action.
8. Discussion and possible approval of audit for the Self-insurance Guaranty Fund.
9. Andrea Delling update, discussion and possible action as to general finances, including:
 - a. ACH Deposits
 - b. Account Values
 - c. OMES Budget
 - d. How payments are going on 701 Accounts
 - e. Operating Budget FY2022

10. Discussion of 85A O.S. Section 104: No member or personnel of the Workers' Compensation Commission, the Self-insurance Guaranty Fund Board, or administrative law judge shall be liable in a civil proceeding for any act performed in good faith in the performance of that person's powers or duties under this act.
11. Review, discussion and possible approval of interagency contract with the Workers' Compensation Commission.
12. Review, discussion and possible approval of contract with consolidated Benefits Resources, LLC, as Third party administrator.
13. Review, discussion and possible approval of contract with attorneys McAtee and Cassody, for compensation litigation.
14. Review, discussion and possible approval of contract with attorney Kevin Blaney for bankruptcy matters.
15. Third Party Administrator **Combined Report** as to Self-insurance Guaranty Fund Claims and Trust Cases:

15a. Self-Insurance Guaranty Fund Report of claims arising pursuant to statutory authority of the Self-Insurance Guaranty Fund Board for the private employers approved to participate in the self-insurance program designated by account number of 675 and residual account 705. Effective November 1, 2019, 85A O.S. Section 98 requires the use of the **net fund balance** technique rather than the prior **cash fund balance** method to initiate an assessment of the Self-Insureds. There will be a general report of the Third Party Administrator including a financial summary, discussion and possible action by the Board.

15b. Trust Cases Report – These cases have been assigned to the Board by the Workers' Compensation Commission for administration of employer funds held by the Commission in individual employer trust accounts designated by account number 701. There will be a general report of the Third Party Administrator including a financial summary, discussion and possible action by the Board.

15c. Trust Cases Report – Discussion and possible action under, 85A O.S. Section 99, providing for the **transfer of "excess proceeds"** of 701 account balances to the Self-Insured Guaranty Fund account 675/705. Mr. Fisher will report on the claims analysis of older 701 accounts. Mr. Fisher will report his findings and make recommendations to transfer certain funds to the **Self-Insurance Guaranty Fund**. Based on this determination, the Oklahoma Self-Insurance Guaranty Fund will be making application for statutory transfer of these excess proceeds from the Oklahoma Workers' Compensation Commission to the Oklahoma Self-Insurance Guaranty Fund pursuant to 85A O.S. § 99(B).

None this meeting.

Interested parties may address the Board and/or present information in writing as to whether the excess proceeds should or should not be transferred to the Self-insurance Guaranty Fund.

16. Possible adjournment of the Workers Compensation Commission.
17. Discussion and possible action on the following individual **Trust Cases** which have been assigned to the Board by the Workers' Compensation Commission for administration of employer funds held by the Commission in individual employer trust accounts designated by account number 701:

General Motors, claims by employees:

Billy Thomas
Judy Smith
Lupy Goodlin
Jo Ann Waltrip
Opal Cade

Texoma Peanut, claims by employees:

Lloyd Ormand

Food Industry Group #75199, claims by employees:

Verna Fisher vs Pruett Foods

Penloyd LLC # 19456, claims by employees:

Terry Stalneck

- (a) Proposed executive Session pursuant to 25 O.S. 2011, § 307(B)(4) to discuss these claims with the Board's attorneys.
- (b) Vote to return to open session.
- (c) Take any action deemed necessary as a result of Executive Session.

18. Discussion and possible action on the following claims against the **Self-insurance Guaranty Fund** designated by account number 675 and residual account 705:

- (a) Proposed executive Session pursuant to 25 O.S. 2011, § 307(B)(4) to discuss these claims with the Board's attorneys.
- (b) Vote to return to open session.
- (c) Take any action deemed necessary as a result of Executive Session.

Employee

Joe Ortiz
Lonnie Swarer
Raymond Vier
Harlin Sanders
Cindy Nickell-Hutchins

Employer

Ark Ramos
Big Four Foundries
Farm Fresh Inc
Hale Halsell
JP Emco

Howard Barnes
Robin Johnson
Pam Crain
Konstance Mitchell

Passmore
Thornapple Valley
Thornapple Valley
Southern Bell

19. Discussion and possible action regarding minutes of executive sessions.
20. Comments from Board Members.
21. Adjournment